

EXHIBIT A3

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April 15, 2022

VIA ELECTRONIC MAIL

Re: *Moog Inc. v. Skyryse, Inc. et al.*, Case No. 1:22-cv-00187

Counsel,

We write in connection with your April 7, 2022 letter to the Court, requesting that Skyryse Inc. (“Skyryse”) explain in writing particular steps taken to search for Moog Inc.’s (“Moog”) non-public information. As Skyryse has told Moog since Moog initiated this action (without any prior warning to Skyryse), Skyryse does not want any of Moog’s proprietary or trade secrets information, and never had any intention of acquiring it. To the extent any Moog proprietary information or trade secrets reached Skyryse, Skyryse wants to return that information. That is why, within days of learning of Moog’s allegations, Skyryse agreed to search for and return any non-public Moog information in its possession, and promptly took diligent steps to investigate Moog’s claims, search for the data Moog claimed to be its own, and turned devices and data over to the third-party forensics firm.

Skyryse has undertaken this investigation at tremendous cost, and the investigation continues. That investigation, however, has been made more difficult, complicated, and costly by Moog’s provision of misinformation regarding its alleged non-public information. As we explained in our April 1, 2022 and April 6, 2022 letters, the information Moog provided about its purported non-public information is replete with generic filenames and public or non-Moog information. For example, the information provided by Moog contains numerous filenames of source code (e.g., `acosf.c`; `atanf.c`; `ctype.c`; `libcov-printf.c`; `memcmp.c`; `memcpy.c`; `memset.c`; `s_ceil.c`; `s_floor.c`; `sqrtf.c`; `startup.c`; `strtoul.c`; `sync.c`; `timestamp.c`) copyrighted to third parties, including Texas Instruments, Bullseye Testing Technology, Sun Microsystems, and Daniel Drake—many of which are distributed under public license and all of which are definitively not Moog files.

Meanwhile, the burden of this litigation on Skyryse (a California-based startup with approximately 70 employees) has been exacerbated by Moog’s rolling extrajudicial demands for details about Skyryse’s investigation. The Federal Rules of Civil Procedure and the parties’ March 17 Stipulation and Order re Expedited Discovery Procedures (ECF Nos. 33, 36) (“March 17 Order”) set out a reciprocal process by which the parties are permitted to conduct discovery. Neither the Federal Rules nor the March 17 Order permit Moog to propound discovery by letter campaign. Nevertheless, in the interest of transparency, and in

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keeping with our commitment to the Court to provide answers to the questions raised in the April 7, 2022 letter's "Requested Relief," we have provided the requested detail in good faith below.

* * *

Steps taken to "Search Skyrise's systems for any Moog data contained transferred [sic] from any of the 23 electronic devices turned over by Pilkington and Kim's counsel"

Moog produced to Skyrise an Excel spreadsheet entitled mkim3.xls, listing 136,994 records allegedly downloaded by Ms. Kim (the "Moog Filename List"). Moog represented that the Moog Filename List was "sufficient for Defendants to comply with the March 11 stipulated order." Moog also provided an Excel spreadsheet entitled Log with MD5_encrypted.xlsx, purporting to list 62,408 MD5 hash values associated with a subset of the Moog Filename List (the "Moog Hash Value List").

Skyrise has one document repository, hosted by Google Drive. Skyrise has run the filenames and hash values from the Moog File Name List and the Moog Hash Value List against its Google Drive. Although that search produced some matches, in light of the overbreadth of and misinformation in the search terms provided by Moog, in combination with the generic nature of the filenames that matched, Skyrise has no indication that the hits are Moog's non-public information. We are reviewing the contents of the resulting hits.

Skyrise's code repository is hosted by Gitlab. Skyrise is continuing to search the source code repository.

As we explained on our April 7 and April 8 meet-and-confers, Skyrise has never been in possession and control of Misook Kim's or Alin Pilkington's personal devices (*i.e.*, the 23 electronic devices delivered to iDiscovery Solutions ("iDS") by their counsel). Nevertheless, and at the request of Moog, Skyrise is working in coordination with the individual defendants' counsel to obtain information about the data and documents contained on those devices.

Steps taken to "Search Skyrise's devices or systems for Moog data transferred from any personal devices of the other 20 former Moog employees employed at Skyrise"

Skyrise does not have possession, custody, or control of the personal devices of its employees. Skyrise did, however, investigate the Skyrise-issued laptops of the former Moog employees employed at Skyrise.

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Skyryse searched Ms. Kim's and Mr. Pilkington's Skyryse-issued laptops for documents included on the Moog Filename List and the Moog Hash Value List. As we explained by letter on April 1, 2022, a search of the Pilkington Laptop using the lists turned up 11,093 files. Because both lists Moog supplied are wildly overbroad, we suspect the vast majority (if not all) of the 11,093 files are not subject to production under the March 11 Order, which requires only "*non-public* information . . . of Plaintiff" to be returned to Moog or delivered to iDS. Skyryse delivered Ms. Kim's Skyryse-issued laptop to iDS and will produce Mr. Pilkington's Skyryse-issued laptop to iDS in response to Moog's requests for production. In the meantime, and in an abundance of caution, Skyryse delivered all 11,093 files to iDS resulting from the searches for the files included on the Moog File Name List and the Moog Hash Value List.

Skyryse analyzed other Skyryse-issued laptops for connections to external devices. In particular, Skyryse investigated the connection history of Moog former employees and direct reports to Mr. Pilkington. None of the resulting records showed connections to any of the devices listed in Paragraph 4 of the March 11 Order nor the devices included in Moog's March 21, 2022 letter regarding Mr. Pilkington.

Steps taken to "Search for any of the 1.2 million files copied by Pilkington, or investigate the two separate hard drives involved in those acts of copying"

Skyryse has never been in possession and control of Alin Pilkington's personal devices (including, but not limited to, the hard drives described in the March 21, 2022 letter regarding Mr. Pilkington). Nevertheless, and at the request of Moog, Skyryse is working in coordination with the individual defendants' counsel to obtain information about the data and documents contained on those devices.

Steps taken to "Search for any derivative Moog data that may have been incorporated or altered in connection with Skyryse data"

At the April 8 meet-and-confer, Moog acknowledged the difficulty a party would face in determining whether any particular datafile "incorporated" Moog data. Under the circumstances, Moog represented on that meet-and-confer and to the Court that it was withdrawing this "Request for Relief."

* * *

Skyryse undertook a diligent search to return any of Moog's non-public information as set out in the March 11 Order, and has continued to diligently investigate Moog's allegations. But Moog is not entitled to conduct *ad hoc* discovery, in contravention of the discovery limits negotiated and agreed between the parties and ordered by the Court.

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Skyryse has gone beyond its discovery obligations in providing Moog with information about its searches, including the information above.

Sincerely,

A handwritten signature in black ink, appearing to read "KD", with a stylized flourish at the end.

Kate Dominguez